

## Subchapter 2. ADMINISTRATION

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## **SECTION 2.1 CITY COUNCIL.**

2.1.1 General. The City Council will be responsible for final action regarding the text of this Chapter and the Official Zoning Map.

2.1.2 Powers and Duties. As provided and established within the City of Pflugerville Home Rule Charter, the City Council has the following powers and duties regarding this Chapter:

- (a) Appointments. The City Council appoints and removes members of the Planning and Zoning Commission (P&Z), Board of Adjustment (BOA), Parks and Recreation Commission and Capital Improvement Advisory Committee.
- (b) Final Action. The City Council hears and takes final action on the following procedures:
  - Annexations
  - Comprehensive Plan Amendments
  - Unified Development Code Text and Zoning Map Amendments
  - Variances to the Sign Code in accordance with Chapter 154
  - Specific Use Permits and Special Districts
  - Impact Fees
  - Capital Improvement Plan (CIP) priorities
  - Parkland dedication
  - Appeals to requests for waivers approved or denied by the Planning and Zoning Commission.
  - Heritage Tree removal

## **SECTION 2.2 -PLANNING AND ZONING COMMISSION.**

2.2.1 Creation.

The City Council appoints a Planning and Zoning Commission in accordance with the City Charter and the City Code.

2.2.2 Composition and Term.

The Planning and Zoning Commission consists of seven members as provided by the City Charter, Section 8.08. Members must meet the requirements of Section 8.02 Membership Qualifications of the City Charter. Terms are for two years and subject to the provisions of Section 31.40 of the City Code.

2.2.3 Rules of Procedure.

As provided by City Charter, Section 8.08, the Commission establishes its own rules of procedure, which require that a quorum consists of at least four members of the commission and that an affirmative vote of a majority of those present is necessary to act on pending questions. The chairman is permitted to vote on any question. In the event that the minimum quorum is met, a unanimous affirmative action will be required to approve a request.

#### 2.2.4 Powers and duties.

The Commission shall exercise the following powers pursuant to Section 8.08 of the City Charter or this chapter:

- (a) Comprehensive Plan Amendments. The Planning and Zoning Commission makes, amends, extends and adds to the Comprehensive Plan for the physical development of the City and recommends the Comprehensive Plan to the City Council for approval in accordance with Subchapter 3 of this Chapter.
- (b) The Comprehensive Plan for the City is intended to be a living document that is periodically revised in accordance with changing socioeconomic conditions and Development. In that regard, the Commission shall have the following duties and responsibilities:
  - The Planning and Zoning Commission will recommend revisions, amendments, extensions and additions to the Comprehensive Plan for the Development of the City and make recommendations regarding the Comprehensive Plan to the City Council.
  - After the Comprehensive Plan, or a portion thereof, has been adopted or revised, in accordance with the terms and provisions of this Chapter, the Commission will:
    - i. Receive, review, revise and make recommendations to the City Council on all proposals to adopt or amend City Development regulations related to, among other things, zoning, subdivision, Site Plans, building code, transportation, utilities, environmental concerns and other police powers regarding use or Development of land within the City; and
    - ii. Conform to the goals and intent of the Comprehensive Plan.

2.2.5 The Commission will submit annual comments to the City Council, not less than 120 days prior to the beginning of the budget year containing a list of recommended capital improvements, or any other such items desired or required to keep the Comprehensive Plan, or any individual element of the Comprehensive Plan, current over the course of time.

2.2.6 The Commission will exercise control over platting, subdivision and Site Plan, as applicable, in order to ensure consistency with the Comprehensive Plan, or any individual element of the Comprehensive Plan.

2.2.7 At least every two years after the date of its adoption, the Commission will prepare a thorough review, analysis and evaluation of the Comprehensive Plan for the benefit of the City Council.

2.2.8 The Commission shall perform its duties and obligations under this Chapter as an advisory body to the City Council.

- (a) The Commission shall ~~consider Grants or denies or approves~~ waivers greater than 20% of the minimum standards within the Suburban, Urban and Urban Center planned districts as related to site development standards and requirements.
- (b) Shall hear and decide ~~variances—waivers~~ concerning architecture, including but not limited to building articulation, exterior building wall standards and roof treatment for ~~nonresidential~~all structures, as specified in Subchapter 9.
- (c) Shall review and then issue, issue with conditions or deny an application for a major site Development permit or a referral by Administrator of a minor site Development permit, as specified in Chapter 155, Site Development Code, Subchapter B, Central Business District.
- (d) Approves or disapproves plats of proposed subdivisions submitted to the City in accordance with the Unified Development Code. In considering plats, the Commission requires the proposed subdivision to meet, so far as is practicable, all the standards of layout and street and sidewalk construction applicable to comparable property within the City's corporate limits. Further, the Commission requires restrictions on the use of the property consistent with the restrictions on comparable property within the City's corporate limits.
- (e) Drafts rules and regulations governing platting and subdividing of land that are consistent with the state constitution and laws and recommend them to the City council for adoption.
- (f) Annually recommends an annexation plan to the City Council.
- (g) Annually submits a five-year capital improvements plan to the City Council and City Manager, at least 120 days before the beginning of the budget year. The plan lists projects in order of preference with a recommendation for the year of construction for each project.
- (h) Meets at least once each month.
- (i) Performs other duties and is vested with other powers as the City Council shall from time to time prescribe.

### **SECTION 2.3 BOARD OF ADJUSTMENT.**

2.3.1 Creation. The City Council appoints the Board of Adjustment (BOA) in accordance with the City Charter and the City Code.

2.3.2 Composition and Term. The City Council appoints a Board of Adjustment consisting of five regular members and four alternate members to serve two-year terms as provided by City Charter, Section 8.09 and subject to the provisions of

Section 31.50 of the Code of Ordinances. Alternate members may participate in meetings and vote on matters in the absence of regular members when requested to do so by the City Manager or the City Manager's designee. The City Council may remove a member for cause set out in a written charge and as determined by the City Council after a public hearing on the charges.

2.3.3 Rules of Procedure. The presiding officer calls meetings at least quarterly and may administer oaths to witnesses and compel attendance of witnesses. Cases are heard in open meeting by at least four members and not more than five members. The minutes of meetings are public records of the board's examinations, official actions, and other proceedings and reflect each member's vote, absence or failure to vote on each question.

2.3.4 Powers. The Board of Adjustment exercises the following authority:

- Hears and decides any appeal that alleges error in an order, requirement, decision or determination made by the Administrator in enforcing this Chapter.
- Hears and decides special exceptions to terms of this Chapter when this Chapter so requires, provided that exceptions granted are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.
- In specific cases, authorizes variances from the terms of this Chapter, provided that the variances are not contrary to the public interest and that, due to special conditions, literal enforcement of this Chapter would result in unnecessary hardship. In authorizing variances, the Board ensures that the spirit of the ordinance is observed and substantial justice is done.
- Hears and decides other matters authorized by this Chapter.

## **SECTION 2.4 CAPITAL IMPROVEMENT ADVISORY COMMITTEE.**

2.4.1 Creation. The City Council shall provide for the appointment of a Capital Improvement Advisory Committee and regulations and restrictions adopted shall be pursuant to the provisions of applicable statutory provisions of the State of Texas for the purpose of providing recommendation and analysis of impact fees administered by the City of Pflugerville.

2.4.2 Composition and Term. The Capital Improvement Advisory Committee shall consist of the Planning and Zoning Commission and an ad hoc voting member of the Commission who is of the building, real estate or development community with interests in the ETJ as required by Chapter 395 of the Texas Local Government Code.

2.4.3 Rules of Procedure. The Capital Improvements Advising Committee shall follow the rules of procedure established by the City Council.

## **SECTION 2.5 PARKS AND RECREATION COMMISSION.**

- 2.5.1 Creation. As provided by the City's Home Rule Charter, Section 8.10 and Section 95.23 of the City's Code of Ordinance, the City Council appoints a Parks and Recreation Commission.
- 2.5.2 Powers and Duties. The Commission's powers and duties as they relate to this Code are specified in the City Charter and include:
- Annually submitting a five-year comprehensive park plan to the City Council and City Manager, at least one hundred twenty days before the beginning of the budget year. The plan lists projects in order of preference with a recommendation for the year of construction for each project.
  - Making recommendations to the City Council and City Manager concerning the receipt of donations, legacies, or bequests for the improvement or maintenance of public parks or for the acquisition of new parks.
  - Jointly reviewing the fee in lieu of parkland dedication with the Commission in accordance with [Subchapter 14 Parkland Standards](#) of this Chapter.

## **SECTION 2.6 ~~DEVELOPMENT SERVICES DIRECTOR (ADMINISTRATOR)~~**

- 2.6.1 Designation. The City Manager shall designate the Administrator for the City of Pflugerville.
- 2.6.2 Responsibilities. Where this chapter assigns a responsibility, power or duty to the Administrator, the Administrator may delegate that responsibility, power or duty to any other agent or employee of the City whom the Administrator may reasonably determine.
- 2.6.3 Power and Duties. The Administrator shall have the following powers and duties:
- The Administrator or his/her designee shall administer and enforce the provisions of this Chapter.
  - Interpretations. The Administrator or his/her designee is responsible for interpreting the provisions of [Chapter 155](#), Subsection B (Site Development Code for the Central Business District) and Chapter 157 Unified Development Code. The Administrator shall make written interpretations of those codes, when requested, setting forth the reasons and explanation therefore.
  - Thoroughfare Plan Amendments. The Administrator may consider and approve or disapprove any requests to shift, realign or otherwise move a thoroughfare within 1,000 feet that do not adversely affect adjacent property owners.

## **SECTION 2.7 PLANNING DIRECTOR.**

2.7.1 Designation. The Administrator shall designate and supervise the Planning Director for the City of Pflugerville.

2.7.2 Responsibilities. The Planning Director or his/her designee shall review and certify that the proposed construction, moving, alteration or use of land either does or does not comply with the provisions of this Chapter prior to issuing a Site Development Permit or Subdivision Plats. The Planning Director may delegate such responsibility, power or duty to any other agent or employee of the City whom the Planning Director may reasonably determine.

2.7.3 Final Action. The Planning Director or his/her designee shall review and take final action on the following:

- Site Development Permit Applications not in the Central Business District.
- Minor Permits in the Central Business District.
- Waivers as prescribed in Subchapter 3.
- ~~Waivers up to 20% of the minimum standards within the Corridor Suburban, Urban and Urban Center planned districts as related to site development standards and requirements.~~
- Minor ~~Subdivision Plats, conveyance plats,~~ and ~~a~~Amended Subdivision Plats.
- ~~Amended Subdivision Plats.~~

## **SECTION 2.8 BUILDING OFFICIAL.**

2.8.1 Designation. The Administrator shall designate and supervise the Building Official for the City.

2.8.2 Responsibilities. The Building Official or his/her designee shall implement, administer, and oversee the provisions, terms and conditions of all building and related codes and flood hazard protection requirements within this chapter. The Building Official may delegate such responsibility, power, or duty to any other agent or employee of the City whom the Building Official may reasonably determine.

- Building Inspections.
- Building Permits.
- Sign Permits in accordance with Chapter 154 of the City Code.
- Certificates of Occupancy.
- Floodplain management.

## **SECTION 2.9 CITY ENGINEER.**

2.9.1 Designation. The Administrator shall designate and supervise the City Engineer for the City.



2.9.2 Responsibilities. The City Engineer or his/her designee shall implement, administer, and oversee the provisions, terms and conditions of all engineering and construction regulations comprised within the Unified Development Code and the latest edition of the City's Engineering Design Guidelines and Construction Standards, and the Transportation and Wastewater Elements of the City's Comprehensive Plan.

2.9.3 Powers and Duties. The City Engineer has the following powers and duties:

- Review and approve, approve with conditions, or deny driveway and median break applications;
- Maintain and hold open for public inspection all records pertaining to the City's Engineering Design Guidelines and Construction Standards and the City's Water and Wastewater Element to the Comprehensive Plan;
- Review and approve, approve with conditions, or deny all applications for Right-Of-Way and Construction Plan permits;
- Ensure that adequate inspection of construction permitted under the terms and conditions of this Chapter are carried out in accordance with the permitted documents;
- Maintain, update and provide to interested parties at a reasonable cost the City's Engineering Design Guidelines and Construction Standards and the City's Water and Wastewater Elements of the Comprehensive Plan;
- Review and utilize any acceptable new flood study data in accordance with the City's Engineering Design Guidelines and Construction Standards;
- Review and make recommendations to the City Council concerning Development Agreements;
- Administer and manage the City's Regional Stormwater Management Program;
- Ensure land development is consistent with applicable components of future City Capital Improvement Projects;
- Determine and enforce Right-of-Way dedication and easement dedication requirements;
- Determine and enforce off-site utility extension requirements, as well as over-sizing requirements; and
- Ensure land development is consistent with applicable components of the City's Water and Wastewater Elements of the Comprehensive Plan.

## **SECTION 2.10 CITY FORESTER.**

2.10.1 Designation. A person designated to oversee the urban forestry program and an advisor to Development Services.

2.10.2 Responsibilities. The City Forester or his/her designee shall implement, administer, and oversee the provisions, terms and conditions of all aspects of

public tree planting, and the Public Tree Care Ordinance and relevant processes of tree preservation and landscaping throughout the development process.

2.10.3 Powers and Duties. The City Forester has the following powers and duties:

- Review and make recommendations to Development Services regarding tree preservation on development applications;
- Shall enforce the Tree Technical Manual in the development review process.

## **SECTION 2.11 DEVELOPMENT REVIEW COMMITTEE.**

2.11.1 Designation. The Administrator shall designate the Development Review Committee for the City.

2.11.2 Responsibilities. The Development Review Committee reviews pre-applications, commercial site plans, subdivision applications, zoning applications and other development applications.

2.11.3 Powers and Duties. The Development Review Committee has the following powers and duties:

- Review and approve site development permits.
- Review and make recommendations to the Planning and Zoning Commission regarding subdivision applications.
- Other duties as assigned by the Administrator, including but not limited to reviewing requests for annexation, change of zoning, specific use permits requests, special district request, and comprehensive plan amendments.

## **SECTION 2.12 OFFICIAL ZONING DISTRICT MAP.**

2.12.1 The boundaries of Districts set out in this Chapter are delineated upon the Zoning District Map of the City, adopted as part of this Chapter as fully as if the same were set forth in this Chapter in detail.

~~(2) — The City shall keep one original of the Official Zoning District Map filed in the office of the City Secretary. This copy shall be the Official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary and include the following words: "This is to certify that this is the Official Zoning District Map as referred to in Subchapter 1.G. of the Unified Development Code of the City of Pflugerville, Texas." In case of any question, this copy, together with amending ordinances, shall control all zoning within the City.~~

2.12.2 Additional copies of the Official Zoning District Map shall be The Official Zoning District Map shall reflect the zoning amendments as approved through ordinance by the City Council and may include an ordinance reference to the most recent

~~zoning amendment. The Official Zoning District Map shall be maintained by the City GIS Department, placed in the offices of the Planning Director and the Building Official. These copies shall be used for reference and shall be maintained up-to-date by posting all subsequent amendments, which shall be identified on the Map with the date and number of the ordinance making the change, and shall be identified as the Planning Director or Building Official's Zoning Map. Reproductions for informational purposes may be made of the Planning Director or Building Official's Zoning Map.~~

### 2.12.3 Rules for Interpretation of District Boundaries on Official Zoning District Map:

- Where District boundaries are generally shown adjacent to streets, the boundary is considered to extend to the centerline of the street.
- Where District boundaries are generally shown to approximately follow platted lot lines, the boundary is considered to be the platted lot lines.
- Where District boundaries are generally shown to approximately follow lines dividing land ownership, the land ownership boundary is considered to be the dividing lines.
- Where District boundaries are generally shown to follow City limit lines, the boundary is the City limit line.
- Where District boundaries are generally shown to follow railroad lines, waterways, utility lines or similar features, the boundary is the centerline of the feature.
- Where District boundaries are shown generally parallel to a street, lot line, line dividing land ownership, political boundary, physical feature or other feature, the boundary is parallel to the feature and separated by the distance on the map indicated by the scale of the map.

~~2.12.4 Newly annexed land. Land annexed to the City will be zoned to Agriculture/Conservation (A) upon annexation unless another zoning district is a stipulation in the service agreement. The land will remain as that District until rezoned in accordance with this Chapter. The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of a petition for annexation, but a petition for annexation may not be conditioned upon the approval of any particular zoning classification. The City Council may begin rezoning proceedings related to land proposed for annexation prior to the effective date of the annexation. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure set forth in Subchapter 3 of this Ordinance.~~

~~(a) In an area classified as Agricultural/Conservation (A) District:~~

- ~~No person shall erect, construct, proceed or continue with the erection or construction of any building or structure, or cause the same to be done in any newly annexed territory to the City without~~

~~first applying for and obtaining a Building Permit or Certificate of Occupancy from the Building Official.~~

- ~~• The Building Official shall not issue a Building Permit for the construction of a building or use of land other than a permit that will allow the construction of a structure or use permitted in the Agricultural/Conservation (A) District, unless and until such land has been classified in a zoning district other than the Agricultural/Conservation (A) District, by the City Council in the manner prescribed under this Chapter.~~
- ~~• A Person must apply to the City for a Building Permit for any proposed use other than those specified in paragraph (ii) above within three months after annexation. The Planning and Zoning Commission shall consider the application and make a recommendation to the City Council. The applicant shall show that use or plans and other preparation for developing the property commenced prior to institution of annexation proceedings by the City. The action and recommendation of each body concerning any such permit shall take into consideration the appropriate land use for the area. The City Council, after receiving and reviewing the recommendations of the Planning and Zoning Commission, may, by majority vote, authorize the issuance of a Building Permit or Certificate of Occupancy or may disapprove the application pending permanent zoning.~~

~~(b) Continuation of Land Use In accordance with §43.002. Continuation of Land Use, of the Texas Local Government Code, the City of Pflugerville may apply the following regulations within the newly annexed territory:~~

- ~~• A regulation relating to the location of sexually-oriented businesses;~~
- ~~• A regulation relating to preventing imminent destruction [of] property or injury to persons;~~
- ~~• A regulation relating to public nuisances;~~
- ~~• A regulation relating to the storage and use of hazardous substances;~~
- ~~• A regulation relating to the storage and use of fireworks; or,~~
- ~~• A regulation relating to the discharge of certain firearms in accordance with state law.~~

## **SECTION 2.13 SUPPLEMENTAL SCHEDULE.**

2.13.1 The City Council will adopt a Unified Development Code Supplemental Schedule including information regarding review and meeting schedules, filing fees, standard forms, and similar information which will provide the necessary information when referenced by this Chapter.

2.13.2 The schedule and any amendment thereto ~~shall be must be~~ adopted annually by a City Council resolution.